

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Harald GAUKEL et al.  
 Serial No. : 10/532,414  
 U.S. Patent No. : 7,568,543  
 Filing Date : April 22, 2005  
 For : DEVICE FOR CONTROLLING RESTRAINING MEANS  
       IN A VEHICLE  
 Examiner : Hau Van PHAN  
 Group Art Unit : 3618  
 Confirmation No. : 1797  
 Customer No. : **26646**  
 Commissioner for Patents  
 P.O. Box 1450  
 Arlington, VA 22313-1450

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office via the Office electronic filing system on June 16, 2010.

Signature: /Farieza Juman/  
 Farieza Juman

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT IN**  
**RESPONSE TO NOTICE CONCERNING IMPROPER CALCULATION OF**  
**PATENT TERM ADJUSTMENT BASED UPON USPTO IMPROPERLY**  
**MEASURING REDUCTION PERIOD UNDER 37 CFR 1.704(c)(10)**

SIR:

1. This request for reconsideration of the patent term adjustment is being filed in response to the "Notice Concerning Improper Calculation of Patent Term Adjustment Based upon USPTO Improperly Measuring Reduction Period Under 37 CFR 1.704(c)(10)" (the "Notice"), dated May 18, 2010, for which a one month or thirty (30) day response period expires on June 18, 2010.
2. The fee of \$200.00 as set forth in 37 C.F.R. § 1.18(e) and as required by 37 C.F.R. § 1.705(b)(1), is being paid by **credit card**. The Commissioner is hereby authorized to charge payment of any additional fees required in connection with this communication or to credit any overpayment, to the deposit account of Kenyon & Kenyon LLP, Deposit Account No. **11-0600**.

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3. The patent term adjustment for the patent granted on the above-identified application, as originally stated in the Patent Term Adjustment document was 0 days. According to the Notice, the patent term adjustment has been determined to be 158 days. It is believed that under 37 C.F.R. § 1.705(b)(2)(i) the correct patent term adjustment is 321 days, based on the following bases under 37 C.F.R. § 1.702:

- i. Delay under 37 C.F.R. § 1.702(b) for failure to issue a patent within three years of the actual filing date of the application.

4. Under 37 C.F.R. § 1.705(b)(2)(ii), the relevant periods and dates as specified in 37 C.F.R. §§ 1.703(a)–(e) are as follows:

- i. A period of delay of 469 days pursuant to 37 C.F.R. § 1.703(b), *i.e.*, the period of days from 4/23/2008 (the day after the date that is three years after the date on which the above-identified application was filed under 35 U.S.C. § 111(a) or the national stage commenced under 35 U.S.C. § 371(b) or (f)) to the 8/4/2009 grant date of the above-identified application. There were no excluded periods pursuant to 37 C.F.R. 1.703(b)(1)–(4).

Pursuant to 37 C.F.R. § 703(f), the total actual examination delay is 469 days under 1.702(b), less a period of 148 days, *i.e.*, the sum of **6i-6iv** below. Thus, after subtracting 148 days of applicant delay in accordance with 37 C.F.R. § 703(f), the patent granted on the above-identified application is entitled to 321 days of total adjustment.

5. Under 37 C.F.R. § 1.705(b)(2)(iii), the patent granted on the above-identified application is **not** subject to a terminal disclaimer.

6. Under 37 C.F.R. § 1.705(b)(2)(iv), the patent granted on the above-identified application is subject to 148 days of Applicant delay pursuant to 37 C.F.R. § 1.704, *i.e.*, the sum of the following periods:

- i. A period of 37 days from 12/12/2006 to 1/17/2007 pursuant to 37 C.F.R. § 1.704(b).
- ii. A period of 41 days from 9/30/2007 to 11/9/2007 pursuant to 37 C.F.R. § 1.704(b).
- iii. A period of 56 days from 11/19/2008 to 1/13/2009 pursuant to 37 C.F.R. § 1.704(b).
- iv. A period of 14 days from 5/20/2009 to 6/2/2009 pursuant to 37 C.F.R. § 1.704(c)(10)(i).

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In view of the foregoing, reconsideration of the patent term adjustment reflected in the Notice dated May 18, 2010 is respectfully requested.

Respectfully submitted,  
KENYON & KENYON LLP

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